

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff

vs.

YAMIL H. KOURI PEREZ,

Defendant

Crim. 97-091 (JAF)

**MOTION REQUESTING STAY OF PAYMENT OF**  
**FINE PENDING APPEAL PURSUANT TO**  
**FEDERAL RULES OF CRIMINAL**  
**PROCEDURE 38 (c)**

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Herein appears defendant Yamil H. Kouri Perez through his undersigned attorney and most respectfully prays and requests:

1- Defendant Kouri has filed a timely appeal before the First Circuit Court of Appeals concerning his conviction and sentence in this case.

2- Pending his appeal defendant has received letters from the government who wants to execute the restitution and fines imposed by this Hon. Court in its sentence.

3- Federal Rules of Criminal Procedure 38(c) states:

"A sentence to pay a fine and costs, if an appeals is taken, may be stayed by the District Court or by the Court of Appeals upon such terms as the court deem proper."


4- In view of the fact that defendant's conviction has been appealed and is not final it is requested from this Hon. Court that it grant a stay of execution of the fines and restitution imposed by the Court as a result of his conviction.

5- Defendant is presently in bankruptcy court and is not in a position to deposit a bond before the Court. However, one of the properties that the government had placed a liens was sold by mutual agreement of the parties who stipulated that the funds would be placed in escrow pending the finality of the case. There are over \$450,000 deposited in said escrow account.

WHEREFORE it is respectfully requested from this Hon. Court that it grant a stay of the execution of the payment of fines and restitution in the case of Yamil Kouri until the appeal process is concluded.

I hereby certify that copy of the above motion has been sent to Maria Dominguez, Assistant U.S. Attorney.

San Juan, Puerto Rico, this 30<sup>th</sup> day of June, 2000



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